

Appl. No. : 10/036,041
Filed : December 26, 2001

REMARKS

Upon entry of the above-shown amendments, Claims 22-26 and 38-45 are pending. Claims 22-26, 38 and 42-44 have been amended as set forth above to correct typographical errors, and to correct the claim dependencies in view of the cancellation of claims. No new matter has been added by the corrections.

The Examiner indicated by telephone on Friday, November 19, 2004 that the amendments submitted by Applicants in the Amendment and Response filed on September 3, 2004 have been entered, and that Applicants have fully complied with 35 U.S.C. § 135(b)(2), thus avoiding any estoppels with regard to the subject matter of the new claims, and thereby preserving the ability to pursue such claims, for example, through interference proceedings. Based upon that understanding and in order to advance the remaining claims to allowance, Claims 36 and 46-64 are cancelled without prejudice toward future prosecution or toward any future interference proceeding.

Discussion of Rejections under 35 U.S.C. § 112, First and Second Paragraphs

Claim 36 has been cancelled. Therefore, the rejections under 35 U.S.C. § 112, first and second paragraphs are moot, and are not further discussed herein.

Discussion of Rejections under 35 U.S.C. § 102(e)

Claims 22-26, 36 and 38-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Piddington et al., U.S. Publication No. US 2003/0165530, published September 4, 2003 (referred to hereafter as "the Piddington application").

The Examiner indicated by telephone that the instant rejection under § 102(e) is withdrawn because the Piddington application does not anticipate. Therefore, this rejection is not addressed further herein.

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Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of those outstanding rejections is specifically requested. If the Examiner finds any remaining issues that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/24/04

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